

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Tamir Ben-David et al.

Application No.: 10/719,659

Confirmation No.: 2380

Filed: November 20, 2003

Art Unit: 3766

For: **SELECTIVE NERVE FIBER STIMULATION  
FOR TREATING HEART CONDITIONS**

Examiner: M. Bockelman

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicant hereby respectfully **traverses** the restriction requirement set forth in the Office Action dated January 29, 2007.

The Applicant thanks Examiner Bockelman for the courtesy of a telephonic interview with the Applicant's representative, Sanford T. Colb (Reg. No. 26,856), held on February 28, 2007. During the interview, Mr. Colb respectfully suggested that the restriction requirement should be withdrawn. All of the newly independent claims in the present application were previously presented as dependent claims. All of these dependent claims were examined and found to be allowable in the office action dated July 6, 2006, if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These newly independent claims are identical to the allowable dependent claims, other than the addition of the limitations of the base claim and any intervening claims. Thus no further examination of any of the claims in the present application is necessary.

During the interview, the Examiner indicated that he would favorably consider a traversal of the restriction requirement, if submitted in a written response.

Dependent claims 81-118 were previously added in the Applicant's response filed October 2, 2006. These claims respectively recite all of the features of one or more dependent claims as originally filed, as shown in the following table. Because these dependent claims are of narrower scope than the allowable claims from which they depend, these claims are in a condition for allowance, and require no further examination.

| Dependent claim | Depends from claim (all found allowable) | Features of claim(s) |
|-----------------|--|----------------------|
| 81              | 3  | 34 and 35            |
| 82              | 7  | 2                    |
| 83              | 7  | 4                    |
| 84              | 8  | 2                    |
| 85              | 8  | 4                    |
| 86              | 10                                       | 31                   |
| 87              | 11                                       | 2                    |
| 88              | 15                                       | 2                    |
| 89              | 15                                       | 34 and 35            |
| 90              | 21                                       | 2                    |
| 91              | 21                                       | 4                    |
| 92              | 21                                       | 31                   |
| 93              | 21                                       | 34 and 35            |
| 94              | 32                                       | 2                    |
| 95              | 32                                       | 34 and 35            |
| 96              | 36                                       | 31                   |

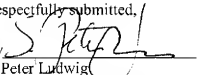
|     |    |           |
|-----|----|-----------|
| 97  | 47 | 42        |
| 98  | 47 | 44        |
| 99  | 48 | 42        |
| 100 | 48 | 44        |
| 101 | 55 | 42        |
| 102 | 55 | 74 and 75 |
| 103 | 61 | 42        |
| 104 | 61 | 44        |
| 105 | 61 | 71        |
| 106 | 61 | 74 and 75 |
| 107 | 72 | 42        |
| 108 | 72 | 74 and 75 |
| 109 | 78 | 42        |
| 110 | 78 | 44        |
| 111 | 78 | 71        |
| 112 | 78 | 74 and 75 |
| 113 | 78 | 51        |
| 114 | 79 | 42        |
| 115 | 79 | 44        |
| 116 | 79 | 51        |
| 117 | 79 | 71        |
| 116 | 79 | 74 and 75 |

The Applicant further submits that examination of all of the pending claims in the present application can be made without serious burden. As mentioned above, the Examiner indicated that the claims recite allowable subject matter, so no further search is necessary.

In order to be fully responsive to the restriction requirement, the Applicant hereby provisionally elects Group I (claims 1-8, 10-36, 38-40, and 81-96), drawn to a stimulator, with traverse for continued examination in this application. The right to file a divisional application to the non-elected claims is hereby expressly reserved.

The Applicant respectfully submits that all of the claims in the present application are now in order for allowance. Notice to this effect is respectfully requested.

Dated: March 6, 2007

Respectfully submitted,  
By   
S. Peter Ludwig  
Registration No.: 25,351  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicant